

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE:** 3/13/2025

**CHIEF DISTRICT JUDGE**

**Amos L. Mazzant, III**

**COURT REPORTER: Chris Bickham**

**COURTROOM DEPUTY: Keary Conrad**

Gibson Brands, Inc., a Delaware corporation  v.  Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC  Does 1 through 10	4:19CV358
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Elizabeth Andujar <b>IT:</b> Keith Slyter	Jerry Selinger, Craig Depew, Kyrie Cameron, Austin Gray, Ron, Bienstock, Zack Klein <b>IT:</b> Mitch Mahon

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Jury Trial - Day 5
9:03 a.m.	Court in session. Court notes appearances.
9:03 a.m.	Bench conference.
9:04 a.m.	Witness is reminded he is still under oath.
9:04 a.m.	Defendant's counsel, Craig Depew begins direct examination of witness Cesar Gueikan.
	Counsel Depew refers witness to Defendant Exhibit 128.
9:23 a.m.	Objection by Plaintiff - bench conference.
9:25 a.m.	Counsel Depew continues cross examination of Cesar Gueikan.
9:36 a.m.	Bench conference - Court - Defense questioning
9:38 a.m.	Counsel Depew continues cross examination of Cesar Gueikan.
9:41 a.m.	Counsel Depew refers witness to Plaintiff Exhibit 137.
9:45 a.m.	Counsel Depew refers witness to Defendant Demonstrative 5009.
9:54 a.m.	Counsel Depew refers witness to Defendant Exhibit 137.

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 5</b>
10:17 a.m.	Counsel Depew refers witnes to Defendant Exhibits 5001, 5002, 5003 and 5004.
10:25 a.m.	Counsel Depew refers witnes to Plaintiff Exhibit 367.
10:31 a.m.	No redirect. Court polls the jury for questions of the witness. Bench conference.
10:35 a.m.	Court asks questions from the jury to witness Cesar Gueikan.
10:41 a.m.	Jury excused. Court recess.
10:58 a.m.	Court re-convened. Jury seated.
10:59 a.m.	Court hears from Plaintiff's counsel, Stephen Howen clarifying the following physical guitar exhibits: 351, 352, 353, 354, 355, 361, 362, 348, 749, 760, 762, 713, 768, 769, 770, 876. Counsel notes that -1 are the actual physical guitars and -2 are photographs of the referenced guitars. Further exhibits 345 and 346 were referenced by brand and model name
	brand and model name without the giving the exhibit # 345 and 346. Same -1 and -2
11:01 a.m.	Agreement as to loss profits read into the record. Defendant agrees to the stipualtion.
11:03 a.m.	Plaintiff rests.
11:03 a.m.	Defendant's counsel, Jerry Selinger calls Jason Davidson by video deposition.
11:50 a.m.	Defendant's counsel, Austin Gray provides trial exhibit numbers relative to deposition exhibit numbers as follows: deposition exhibit 1 -trial exhibit 257 deposition exhibit 2 - trial exhibit 60 deposition exhibit 4 - trial exhibit 62 deposition exhibit 5 - trial exhibit 63 deposition exhibit 6 - trial exhibit 64 deposition exhibit 7 - trial exhibit 65 deposition exhibit 9 - trial exhibit 67 deposition exhibit 10 - trial exhibit 68 deposition exhibit 16 - trial exhibit 71 deposition exhibit 17 - trial exhibit 72
11:52 a.m.	Defendant's counsel, Kyrie Cameron calls Hal Poret. Witness placed under oath. Counsel Cameron begins direct examination. Counsel offers Hal Poret as a survey expert.
11:55 a.m.	Jury excused. Court recess until 1pm.
1:00 p.m.	Court re-convened. Jury seated.
1:02 p.m.	Defendant's counsel, Kyrie Cameron continues direct examination of Hal Poret.

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 5</b>
1:06 p.m.	Counsel Kyrie Cameron refers witness to Defendant Exhibits 1442, 1443. No objection. Defendant Exhibits 1442, 1443 are admitted.
1:29 p.m.	Counsel Cameron refers witness to Defendant Exhibit 1461.
	Counsel Cameron refers witness to Defendant Exhibit 1466.
1:33 p.m.	Plaintiff objection - bench conference.
1:35 p.m.	Counsel Cameron continues direct examination.
1:35 p.m.	Defendant - bench conference.
1:38 p.m.	Plaintiff's counsel, Kurt Schuettinger plays rebuttal video of Dr. Eugene Ericksen.
1:48 p.m.	Plaintiff's counsel, Kurt Schuettinger begins cross examination of Hal Poret.
2:06 p.m.	Plaintiff's counsel, Kurt Schuettinger refers witness to Defendant Exhibit 1492.
2:41 p.m.	Defendant's counsel, Kyrie Cameron continues direct examination of Hal Poret.
2:43 p.m.	Plaintiff's counsel, Kurt Schuettinger recross.
2:43 p.m.	Court polls jury for questions of the jury for the witness. No questions.
2:44 p.m.	Defendant's counsel, Jerry Selinger advises the Court they will read testimony of Rubinson. Defendant's counsel, Kyrie Cameron questions and co-counsel Depew reads as Rubinson.
3:03 p.m.	Jury excused. Court recess for 15 minutes.
3:20 p.m.	Court re-convened. Jury seated.
3:21 p.m.	Defendant's counsel, Kyrie Cameron continues questions and co-counsel Depew reads as Rubinson.
3:40 p.m.	Defendant's counsel, Kyrie Cameron advises the Court that Defendant exhibits used during this reading of the testimony are Defendant exhibits 1799, 1540, 1501, 1502, 1494, 1491, 1492, 1499, 3963, 3909, 3902, 3900, 3910, 324, 1699, 1700, 1701, 1507, 1508.
3:41 p.m.	Defendant's counsel, Kyrie Cameron plays the video deposition of Eric Rubinson.
	Defendant's counsel, Austin Gray advises that the video deposition of Eric Rubinson contained the following trial exhibits. Deposition exhibit II - trial exhibit 703 deposition exhibit pp -trial exhibit 710 deposition exhibit k - trial exhibit 705
3:49 p.m.	Defendant's counsel, Austin Gray calls by video deposition Jay Abend.

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 5</b>
4:29 p.m.	Defendant's counsel, Austin Gray advises that the video deposition exhibits related to Jay Abend are as follows: deposition exhibit 4 - trial exhibit 0003 deposition exhibit 7 - trial exhibit 0006 deposition exhibit 8 - trial exhibit 0007
4:29 p.m.	Defendant's counsel, Austin Gray calls by video deposition, Saul Freedgood.
	Defendant's counsel, Austin Gray requests admission of the following trial exhibits: deposition exhibit 4 - trial exhibit 109 deposition exhibit 5 - trial exhibit 110 deposition exhibit 12 - trial exhibit 117 deposition exhibit 13 - trial exhibit 118 deposition exhibit 15 - trial exhibit 120 deposition exhibit 16 - trial exhibit 121 Plaintiff objects to the admission of the exhibits. Exhibits not admitted.
4:42 p.m.	Plaintiff bench conference regarding objection.
4:44 p.m.	Parties will resolve the issues regarding the Freedgood exhibits. None of the exhibits in relation to the Freedgood video deposition are currently admitted.
4:44 p.m.	Defendant's counsel, Austin Gray calls by video deposition, Dean Johnson.
4:46 p.m.	Defendant's counsel, Austin Gray calls by video deposition, Steven McCreary.
4:53 p.m.	Defendant's counsel, Austin Gray notes conclusion of video deposition. Counsel does not offer exhibits because of pending objection with Plaintiff.
4:55 p.m.	Counsel Howen inquires with respect to jury charge. Court encourages parties to meet and confer regarding instruction on 30(b)(6) depositions. Court hears from Counsel Selinger. Court's plan is to try to have a draft of the charge to the parties by Sunday evening.
5:01 p.m.	Court adjourned.

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TIME:	MINUTES: Jury Trial - Day 5
	<p><b>Plaintiff Exhibits:</b> 345-1, 346-1, 351-1, 352-1, 353-1, 354-1, 355-1, 361-1, 362-1, 348-1, 749-1, 760-1, 762-1, 713-1, 768-1, 769-1, 770-1, 876-1 (also -2 exhibits of these same numbers which are photographs of the physical guitars)</p> <p><b>Plaintiff Remaining:</b> 9:41</p> <p><b>Defendant Exhibits:</b> 128, 137, 257, 60, 62, 63, 64, 65, 67, 68, 71, 72, 1442, 1443, 1461, 1466, 1492, 1799, 1540, 1501, 1502, 1494, 1491, 1492, 1499, 3963, 3909, 3902, 3900, 3910, 324, 1699, 1700, 1701, 1507, 1508, 703, 710, 705, 0003, 0006, 0007</p> <p><b>Defendant Remaining:</b> 14:45</p>

DAVID O'TOOLE, CLERK

BY: Keary Conrad  
Courtroom Deputy Clerk